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On 20 March 2007

TOWNSEND and TOWNSEND and CREW LLP

By: Malinda Adefit

PATENT
Attorney Docket No.: 02307E-080710US
Client Ref. No.: UC 97-262-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Emil A. Tanagho
Rajvir Dahiya
Tom F. Lue

Application No.: 10/052,889

Filed: January 18, 2002

For: ACELLULAR MATRIX GRAFTS:
PREPARATION AND USE

Customer No.: 45115

Confirmation No. 3329

Examiner: Prebilic, Paul B.

Technology Center/Art Unit: 3738

SUBMISSION OF TERMINAL

DISCLAIMER AND INVENTORS'

DECLARATION

Mail Stop Amendment
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Sir:

Void date: 03/26/2007 EHAILE1
03/26/2007 EHAILE1 00000006 201430 10052889
01 FC:2051 65.00 CR

03/26/2007 EHAILE1 00000050 201430 10052889
01 FC:2014 65.00 DA

In accordance with the request by Examiner Prebilic via telephone on March 12, 2007, Applicants hereby submit a terminal disclaimer disclaiming the term of a patent issued from this application over the term of U.S. Patent No. 6,371,992. Also submitted herewith is a Rule 132 declaration regarding inventorship of this application signed by all four named inventors on this application.

03/26/2007 EHAILE1 00000006 201430 10052889
01 FC:2051 65.00 DA

Appl. No. 10/052,889
Amendment dated March 19, 2007

PATENT

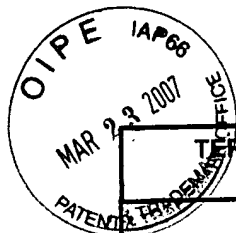
If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Chuan Gao
Reg. No. 54,111

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
Attachment (terminal disclaimer; inventors' declaration)
CG:cg
61008391 v1



**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)
023070-080710US

In re Application of: Emil A. TANAGHO *et al.*

Application No.: 10/052,889

Filed: January 18, 2002

For: ACELLULAR MATRIX GRAFTS: PREPARATION AND USE

The owner*, The Regents of the University of California, of one-hundred percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term prior patent No. 6,371,992 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney or agent of record. Reg. No. _____

Susan Y. Nakashima
Signature

March 13, 2007
Date

Susan Y. Nakashima - Business Manager, UCSF, OTM
Typed or printed name

415-353-4471
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.